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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1947.

No. 157

COMMONWEALTH OF MASSACHUSETTS, ET AL.,
Petitioners,

vs.

UNITED STATES OF AMERICA,
Respondent.

MOTION BY THE STATE OF ILLINOIS, AS AMICUS CURIAE, FOR LEAVE TO PARTICIPATE IN THE ORAL ARGUMENT OF SAID CAUSE.

GEORGE F. BARRETT,
Attorney General of the State of Illinois,
Suite 786, 208 South LaSalle Street,
Chicago 4, Illinois,
Attorney for Amicus Curiae.

ALBERT E. HALLETT,
Assistant Attorney General.
Of Counsel.

CHAMPLIN-SHEALY COMPANY, CHICAGO 365

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And now comes the State of Illinois, as *amicus curiae*, by George F. Barrett, its Attorney General, and respectfully shows unto this Honorable Court the following:

1. That in 1946, upon petitions by the State of Illinois, this Court granted writs of *certiorari* in two cases entitled *People of the State of Illinois, ex rel. Robert L. Gordon, Director of Labor, Petitioner* v. *United States, Respondent*, No. 749 of 1945, and *id.* v. *Nigel D. Campbell, Collector of Internal Revenue, Respondent*, No. 750 of 1945 and subsequently No. 35 of 1946.

2. That this Court's decisions in the said two *Gordon* cases above referred to (328 U. S. 8, and 329 U. S. 362) are the *principal* authorities upon which the Circuit Court of Appeals in the instant case based the decision which is here challenged by the Commonwealth of Massachusetts, and are likewise the *principal* authorities upon which the United States, as respondent, bases its argument in support of the said decision by the Circuit Court of Appeals.

3. That the State of Illinois is further concerned in the case now before this Honorable Court in that it now has pending and as yet undetermined in the District Court of the United States for the Northern District of Illinois, Eastern Division, at Chicago, two cases entitled *United States of America, Plaintiff* v. *P. C. Gartley Motors Co., et al., Defendants,* No. 44C 671; and *Robert C. Mitchell, assignee, etc., Plaintiff* v. *Carter H. Harrison, Collector of Internal Revenue, et al., Defendants,* No. 44C 716; which involve the same precise issue and have been continued generally pending the ruling of this Court in the instant case.

4. That, while the petition for a writ of *certiorari* was pending in the instant case, the State of Illinois, as *amicus curiae,* filed a brief in support of said petition; and that it has recently, as *amicus curiae,* filed a brief on the merits, copies of which briefs, together with copies of this motion for leave to argue orally, have been duly served upon the Attorney General of Massachusetts and upon the Solicitor General of the United States.

5. That counsel making this motion is of the opinion that this State's participation in the oral argument of the instant cause might assist this Court and might serve to clarify the issues before this Court in this litigation.

which will affect not only the Commonwealth of Massachusetts but every State in the Union since all States, including Illinois, have similar statutes and problems.

6. That the Attorney General of Massachusetts, attorney for the petitioner in the instant case, has agreed to allocate twenty (20) minutes of the hour to which it would otherwise be entitled to the State of Illinois for oral argument as *amicus curiae*, if such arrangement be sanctioned by this Court.

7. That the oral argument of the said cause has been tentatively set for the two-week term beginning December 8, 1947.

WHEREFORE, the State of Illinois prays for the entry of an order granting it leave to participate as *amicus curiae* in the oral argument of the above entitled cause and allocating to it twenty (20) minutes of the hour to which the petitioner would otherwise be entitled.

GEORGE F. BARRETT,
Attorney General of the State of Illinois,
Suite 786, 208 South LaSalle Street,
Chicago 4, Illinois,
Attorney for Amicus Curiae.

ALBERT E. HALLETT,
Assistant Attorney General,
Of Counsel.

AFFIDAVIT.

STATE OF ILLINOIS,
COUNTY OF COOK. } ss.

Albert E. Hallett, being first duly sworn, on his oath deposes and says that he is a member of the bar of this Court and Assistant Attorney General of the State of Illinois, that he has read the above and foregoing motion and that the matters and things therein set forth are true in substance and in fact.

Albert E. Hallett

Subscribed and sworn to before me this 17th day of November, A. D. 1947.

Pauline Jan Ross

A Notary Public in and for Cook County, Illinois.